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Security Council

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Chad, France, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 1970 (2011) of 26 February 2011, 1973 (2011) of 17 March 2011, 2009 (2011) of 16 September 2011, 2016 (2011) of 27 October 2011, 2017 (2011) of 31 October 2011, 2022 (2011) of 2 December 2011, 2040 of 12 March (2012), and 2095 of 14 March (2013) as well as the Statement of its President (S/PRST/2013/21) of 16 December 2013,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Reaffirming its resolutions 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012) and 2143 (2014) on children and armed conflict, and 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on women, peace and security,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Emphasizing the importance of promoting the equal and full participation of all parts of Libyan society, including women, youth and minorities, in the political process,

Underlining the importance of agreement on immediate next steps for the democratic transition in Libya and, in this regard, *reaffirming* the centrality of credible elections, an inclusive and transparent constitutional drafting process, and the establishment of a single, inclusive and transparent national dialogue,

Welcoming the efforts of the United Nations Support Mission in Libya (UNSMIL) and the Special Representative of the Secretary-General to facilitate a meaningful Libyan-led national dialogue and strongly encourages further steps forward in this regard, and *reaffirming* that the United Nations should lead the coordination of the efforts of the international community in supporting, in accordance with the principles of national ownership and national responsibility, the Libyan-led transition and institution-building process aimed at establishing a peaceful, democratic, independent and united Libya,

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Welcoming the holding of the 20 February 2014 election of the Constitutional Drafting Assembly and *urging* political leaders to complete the formation of the assembly and to work with minority communities to ensure their proper representation in the constitutional drafting process,

Expressing grave concern at the worsening security situation and political divisions in Libya, including abductions, assassinations, and violent clashes between armed groups, in particular in the east of Libya and along its southern borders, which threaten to undermine the transition to democracy that meets the aspirations of the Libyan people,

Expressing support to efforts by the Libyan government to resolve peacefully the disruptions of Libya's energy exports and *reiterating* that control of all facilities should be transferred back to the proper authorities,

Recalling its decision in resolution 1970 (2011) to refer the situation in Libya to the Prosecutor of the International Criminal Court, and the importance of cooperation for ensuring that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable,

Expressing grave concern at the lack of judicial process for conflict-related detainees, including children, many of whom continue to be held outside state authority, and at reports of human rights violations and abuses, including torture and sexual and gender-based violence, in detention centres, and, in that regard, *underlining* that all parties in Libya should extend full cooperation to UNSMIL on all issues pertaining to the promotion and protection of human rights,

Welcoming actions by the Libyan government to address human rights issues, including the promulgation of a transitional justice law on 8 December 2013, the law against torture and discrimination on 9 April 2013 and the decree to redress the situation of victims of rape and violence adopted on 19 February 2014,

Reiterating that the voluntary, safe and sustainable return of refugees and internally displaced persons will be an important factor for the consolidation of peace in Libya,

Expressing concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which poses a risk to stability in Libya and the region, including through transfer to terrorist and violent extremist groups and *underlining* the importance of coordinated international support to Libya and the region to address these issues,

Acknowledging in this respect the important contribution the Council-mandated arms embargo can make in assisting Libya to counter the illicit transfer of small arms and light weapons, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration and security sector reform,

Reminding all Member States of the obligations contained in its resolutions 1970 (2011) and 1973 (2011), as modified in its subsequent resolutions, in particular those obligations relating to arms and related materiel of all types,

Supporting the Libyan government's intention to strengthen regional security, *welcoming*, in this regard, ongoing engagement with regional countries and the 14 November 2013 Rabat Conference and its recommendations to address border

security issues, including the implementation of the Tripoli Action Plan, and *supporting* further efforts of EUBAM Libya to strengthen Libyan border management,

Welcoming the coordination of the international community in support of the Libyan transition at the Rome conference on 6 March 2014, following up on the Paris conference on 12 February 2013, *endorsing* the priorities and recommendations adopted at these meetings, and *supporting* their swift implementation,

Taking note of the report of the Secretary-General on UNSMIL (S/2014/131), including the recommendation for the 12-month extension of the UNSMIL mandate,

Taking note of the final report of the Panel of Experts submitted pursuant to paragraph 14 (d) of resolution 2095 (2013) and the findings and recommendations contained therein,

Welcoming the efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President S/2006/997,

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. *Supports* the timely establishment of a single, inclusive and transparent national dialogue in Libya and an inclusive and transparent constitutional drafting process, and *reiterates* the need for the transitional period to be underpinned by a commitment to democratic processes and institutions, good governance, rule of law, national reconciliation and respect for human rights and fundamental freedoms of all people in Libya;

2. *Calls upon* the Libyan government to promote and protect human rights, including those of women, children and people belonging to vulnerable groups, and to comply with its obligations under international law, including human rights law, and *calls for* those responsible for serious violations of international humanitarian law and human rights law, including sexual violence and violations and abuses against children, to be held accountable in accordance with international standards, and *urges* all Member States to cooperate closely with the Libyan government in its efforts to end impunity for such violations;

3. *Calls upon* the Libyan government to continue to cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor as required by resolution 1970 (2011);

4. *Condemns* cases of torture and mistreatment, and deaths by torture, in detention centres in Libya, *calls upon* the Libyan government to take all steps necessary to accelerate the judicial process, transfer detainees to State authority and prevent and investigate violations and abuses of human rights, *calls for* all Libyan parties to cooperate with Libyan government efforts in this regard, *calls for* the immediate release of all individuals arbitrarily arrested or detained in Libya, including foreign nationals and *underscores* the Libyan government's primary responsibility for promoting and protecting the human rights of all persons in Libya, particularly those of African migrants and other foreign nationals;

5. *Encourages* Libya and neighbouring States to continue efforts to promote regional cooperation aimed at stabilization of the situation in Libya and to prevent former Libyan regime elements and violent extremist groups from using the territories of Libya or such States to plan, fund or carry out violent or other illicit acts to destabilize Libya or States in the region, and notes that such cooperation would benefit regional stability;

United Nations Mandate

6. *Decides* to extend the mandate of the United Nations Support Mission in Libya (UNSMIL) until 13 March 2015 under the leadership of a Special Representative of the Secretary-General, and *decides further* that the mandate of UNSMIL as an integrated special political mission, in full accordance with the principles of national ownership, shall be to support Libyan government efforts to:

(a) As an immediate priority, ensure the transition to democracy, including through promoting, facilitating and providing technical advice and assistance to a single, inclusive and transparent national dialogue, to Libyan electoral processes and to the process of preparing, drafting and adopting a new Libyan constitution, promoting the empowerment and political participation of all parts of Libyan society, in particular women, youth and minorities, and through the provision of good offices to support an inclusive Libyan political settlement and to promote a political environment for the integration of ex-combatants into Libyan national security forces or their demobilization and reintegration into civilian life;

(b) Promote the rule of law and monitor and protect human rights, in accordance with Libya's international legal obligations, particularly those of women, children and people belonging to vulnerable groups, such as minorities and migrants, including through assisting the Libyan government to ensure the humane treatment of and due process for detainees, including children, and to implement fully its transitional justice law, and reform and build an independent judiciary and transparent and accountable law enforcement and correctional systems;

(c) Control unsecured arms and related materiel in Libya and counter their proliferation, by working to arrange access, ensure proper management, safe storage and, where appropriate, effective disposal of arms and related materiel, to support coherent partner efforts in this regard, including the coordination and facilitation of international assistance, and to strengthen border security, the development of capable Libyan institutions and effective national security coordination;

(d) Build governance capacity, as part of a coordinated international effort and drawing on the comparative advantage of the United Nations country team, by providing support to ministries, the national legislature and local government, with the aim of improving service delivery, transparency and coordination across government;

Arms embargo

7. *Stresses* that Member States notifying the Committee in accordance with paragraph 13 (a) of resolution 2009 (2011) as modified by paragraph 10 of resolution 2095 (2013) of the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information,

8. *Stresses* that arms and related materiel, including related ammunition and spare parts, that are supplied, sold or transferred as security or disarmament assistance to the Libyan government in accordance with paragraph 13 (a) of resolution 2009 (2011) as modified by paragraph 10 of resolution 2095 (2013) should not be resold to, transferred to, or made available for use by parties other than the designated end user;

9. *Urges* the Libyan government to improve further the monitoring of arms or related material that is supplied, sold or transferred to Libya in accordance with paragraph 9 (c) of resolution 1970 (2011) or paragraph 13 (a) of resolution 2009 (2011) as modified by paragraph 10 of resolution 2095 (2013), including through the use of end user certificates, and *urges* Member States and regional organizations to provide assistance to the Libyan government to strengthen the infrastructure and mechanisms currently in place to do so;

10. *Condemns* the reported continuing violations of the measures contained in resolutions 1970 (2011) and 1973 (2011), as modified in its subsequent resolutions, and *recalls* the mandate of the Committee, as defined in paragraph 24 of resolution 1970 (2011), to examine and take appropriate action on information regarding alleged violations or non-compliance with those measures;

Asset freeze

11. *Directs* the Committee, in consultation with the Libyan government, to review continuously the remaining measures imposed by resolutions 1970 (2011) and 1973 (2011), as modified by resolution 2009 (2011), with respect to the Libyan Investment Authority (LIA) and the Libyan Africa Investment Portfolio (LAIP), and *reaffirms* its decisions that the Committee shall, in consultation with the Libyan government, lift the designation of these entities as soon as practical to ensure the assets are made available to and for the benefit of the people of Libya;

12. *Supports* the efforts of the Libyan authorities to recover funds misappropriated under the Qadhafi regime and, in this regard, *encourages* the Libyan authorities and Member States that have frozen assets pursuant to resolutions 1970 (2011) and 1973 (2011) as modified by resolution 2009 (2011) to consult with each other regarding claims of misappropriated funds and related issues of ownership;

Panel of Experts

13. *Decides* to extend until 13 April 2015 the mandate of the Panel of Experts, established by paragraph 24 of resolution 1973 (2011) and modified by resolution 2040 (2012), *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than twelve months from the adoption of this resolution, and *decides* that the Panel shall carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011);

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in resolutions 1970 (2011) and 1973 (2011)

and modified in resolutions 2009 (2011) 2040 (2012), 2095 (2013) and in this resolution, in particular incidents of non-compliance;

(c) Make recommendations on actions that the Council, the Committee, the Libyan government or other States may consider to improve implementation of the relevant measures;

(d) Provide to the Council an interim report on its work no later than 180 days after the Panel's appointment, and a final report to the Council, after discussion with the Committee, no later than 10 March 2015 with its findings and recommendations;

14. *Urges* all States, relevant United Nations bodies, including UNSMIL, and other interested parties, to cooperate fully with the Committee and the Panel, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1970 (2011) and 1973 (2011), and modified in resolutions 2009 (2011) and 2040 (2012), 2095 (2013) and in this resolution, in particular incidents of non-compliance;

15. *Encourages* the Panel, to continue and expedite its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya and the assets of individuals subject to the asset freeze established in resolutions 1970 (2011) and 1973 (2011), and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013) and in this resolution, and *encourages* UNSMIL and the Libyan government to support Panel investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate;

16. *Encourages* the Panel to submit to the Committee regular updates, including identifying information, with supporting documentation, on individuals and entities subject to the measures Imposed by paragraph 15 of resolution 1970 (2011) and/or paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011), including, as applicable, their activities, movements and location, and any information related to the possible incarceration or death of listed individual;

Reporting and review

17. *Expresses* its intent to review the mandate of the Committee in the event that the measures imposed in resolutions 1970 (2011) and 1973 (2011), and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013) and in this resolution, should be lifted by a future decision of the Security Council;

18. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution, including all elements of UNSMIL's mandate, every 90 days;

19. *Decides* to remain actively seized of the matter.